IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2866 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAYABEN NATVARLAL JOSHI - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR DHIRENDRA MEHTA for Petitioner(s) : 1,
MS KIRAN PANDEY, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 14/12/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner who was claiming appointment as a Primary Teacher has prayed for an appropriate order declaring that the age eligibility of

completion of 18 years of age as on 1.7.1992; as required as per the column No.4 of the printed format of application and conditions/instructions Nos.6 and 14 mentioned in the sheet of instructions and attached thereto (Annexure-B) are illegal, being inconsistent with the statutory rules.

2.It appears that at the time of hearing of the present Special Civil Application, the petitioner contended that the decision in Special Civil Application No.7927 of 1992 raising identical question was subject to further appeal before the Division Bench being Letters Patent Appeal No. 289 of 1993 and as the said L.P.As. were pending and initially even the interim orders were granted directing to consider the case of those original petitioners on merits, this Court admitted the present Special Civil Application.

3.Today, when the matter is called out, Ms. Kiran Pandey, learned AGP has relied upon the judgment of the Division Bench of this Court dated 10th March, 1998 passed in L.P.A. No.289 of 1993 and other cognate appeals by which, the Division Bench of this Court has upheld the above conditions. On going through the judgment and order passed by the Division Bench of this Court in the aforesaid L.P.A. No.289 of 1993, it appears that the dispute which has been raised in the present Special Civil Application is covered by the said decision. Under the circumstances and for the reasons stated in the decision of the Division Bench of this Court dated 10th March, 1998 in aforesaid L.P.A. No.289 of 1993 upholding the above condition, the

present Special Civil Application is required to be dismissed.

4.For the reasons stated above, the petition fails. Rule is discharged. Ad-interim relief, if any, stands vacated forthwith. No costs.

[M.R.SHAH, J.]

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